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FEB **2 2** 2006

OFFICE OF PETITIONS

In re Patent No. 6,963,430 B2 DECISION ON

PATENT TERM ADJUSTMENT Noriaki Matsui AND NOTICE OF INTENT Issue Date: November 8, 2005

TO ISSUE

Application No. 09/909,877 Filed: June 23, 2001 CERTIFICATE OF

Attorney Docket No. 03500.015590 CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)", filed January 9, 2006. Patentee requests that the patent term adjustment indicated on the patent be corrected from seven hundred eighty-seven (787) days to eight hundred seventy-eight (878) days.

The petition is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of eight hundred seventy-eight (878) days.

On November 8, 2005, the above-identified application matured into U.S. Patent No. 6,963,430 B2. The instant request for reconsideration filed January 9, 2006 was timely filed within two months of the date the patent issued. <u>See</u> §1.705(d). <u>See also</u> §1.7(a). The Patent issued with a Patent Term Adjustment of seven hundred eighty-seven (787) days.

Patentee states that the patent is not subject to a terminal disclaimer.

Patentee asserts that he should not have been assessed applicant delay of ninety-one (91) days for the submission of a "LETTER" on August 10, 2005, after the Notice of Allowance was mailed on July 15, 2005.

A review of the record reveals that the "LETTER" is in actuality a response to the examiner's reasons for allowance, the filing of which has been deemed by the Director to not constitute a failure to engage in reasonable efforts under 37 C.F.R. §1.704(c)(10).¹ Accordingly, the assessment of ninety-one (91) days of applicant delay with respect to this filing is not warranted.

In view thereof, the correct determination of PTA at the time of issuance is eight hundred seventy-eight (878) days (878 days of PTO delay and 0 days of applicant delay).

Receipt of the \$200.00 fee set forth in 37 C.F.R. §1.18(e) is acknowledged.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by eight hundred seventy-eight (878) days subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Karin Ferriter

Senior Legal Advisor

Key Atur

Office of Patent Legal Administration

Office of Deputy Commissioner for Patent Examination Policy

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Enc: draft certificate of correction

See Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed, 1247 Off. Gaz. 111 (June 26, 2001).

Day : Tuesday Date: 2/21/2006

Time: 18:44:02

PALM INTRANET

PTA Calculations for Application: <u>09/909877</u>								
Application Filing Date:	07/23/2001	PTO Delay (PTO):	878					
Issue Date of Patent:	11/08/2005	Three Years:	0					
Pre-Issue Petitions:	0	Applicant Delay (APPL):	91					
Post-Issue Petitions:	0	Total PTA (days):	878					
PTO Delay Adjustment:	91							

File Contents History							
Number	Date	Contents Description	PTO	APPL	START		
48	02/21/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	91				
44.5	10/19/2005	PTA 36 MONTHS					
44	11/08/2005	PATENT ISSUE DATE USED IN PTA CALCULATION					
43	09/15/2005	RECEIPT INTO PUBS					
42	09/14/2005	DISPATCH TO FDC					
41	09/14/2005	APPLICATION IS CONSIDERED READY FOR ISSUE					
40	08/10/2005	ISSUE FEE PAYMENT VERIFIED					
39	09/13/2005	TC RETURN TO PUBS					
38	08/10/2005	MISCELLANEOUS INCOMING LETTER		91			
37	08/10/2005	ISSUE FEE PAYMENT RECEIVED					
36	07/20/2005	EXPORT TO INITIAL DATA CAPTURE					
35	07/20/2005	RECEIPT INTO PUBS					
34	07/15/2005	MAIL NOTICE OF ALLOWANCE	57		25		
33	07/13/2005	ISSUE REVISION COMPLETED					
32	07/13/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED					
31	07/13/2005	CASE DOCKETED TO EXAMINER IN GAU					
30	07/11/2005	NOTICE OF ALLOWABILITY					
29	01/19/2005	REFERENCE CAPTURE ON IDS					
28	04/26/2005	DATE FORWARDED TO EXAMINER					
27	03/16/2005	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE					
26	04/26/2005	DATE FORWARDED TO EXAMINER					
25	01/19/2005	REQUEST FOR CONTINUED EXAMINATION (RCE)					

24	04/26/2005	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)		
23	01/19/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
22	03/16/2005	WORKFLOW - REQUEST FOR RCE - BEGIN		
21	03/14/2005	RECEIPT INTO PUBS		
20	03/08/2005	RECEIPT INTO PUBS		
19	01/03/2005	EXPORT TO INITIAL DATA CAPTURE		
18	01/11/2005	WORKFLOW - FILE SENT TO CONTRACTOR		
17	12/22/2004	MAIL NOTICE OF ALLOWANCE	821	-1
16	12/17/2004	ISSUE REVISION COMPLETED		
15	12/17/2004	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED		
14	12/17/2004	CASE DOCKETED TO EXAMINER IN GAU		
13	12/13/2004	NOTICE OF ALLOWABILITY		
12	12/02/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE		
11	10/25/2001	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)		
10		INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
9	03/08/2002	CASE DOCKETED TO EXAMINER IN GAU		
8	01/06/2002	TRANSFER INQUIRY TO GAU		
7	11/23/2001	APPLICATION DISPATCHED FROM OIPE		
6	11/19/2001	APPLICATION IS NOW COMPLETE		
4	09/06/2001	NOTICE MAILEDAPPLICATION INCOMPLETE FILING DATE ASSIGNED		
3		CORRESPONDENCE ADDRESS CHANGE		
2	07/31/2001	IFW SCAN & PACR AUTO SECURITY REVIEW		
1	07/23/2001	INITIAL EXAM TEAM NN		

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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UNITED STATES PATENT AND TRADEMARK OFFICE **CERTIFICATE OF CORRECTION**

PATENT

: 6,963,430 B2

DATED

: November 8, 2005

INVENTOR(S): Noriaki Matsui

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

Subject to any disclaimer, the term of this patent is extended or adjusted [*] Notice: under 35 USC 154(b) by (787) days

Delete the phrase "by 787 days" and insert – by 878 days—